

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-17-EC - ORDER NO. 2007-177
APRIL 20, 2007

IN RE: Mr. James Tarmann)	ORDER GRANTING
)	CONFIDENTIAL
Complainant,)	TREATMENT AND
)	ORDERING
v.)	PETITIONER TO
Duke Energy Carolinas, LLC and BellSouth)	RESPOND TO
Telecommunications, Inc.)	RESPONDENTS'
)	MOTIONS TO DISMISS
Defendants.)	

This matter comes before the Public Service Commission of South Carolina (Commission) upon the motions to dismiss the Complaint filed by the Respondents BellSouth Telecommunications, Inc. and Duke Energy Carolinas, LLC, (Duke Energy) and upon the motion by Duke Energy for confidential treatment of Exhibit A of its filing.

First, regarding Duke Energy's motion for confidential treatment, the Company seeks confidential treatment of its Exhibit A that contains customer information Duke Energy designates as confidential pursuant to its privacy policy. This information includes the account number and electricity usage data personal to Mrs. Patricia Tarmann. The Commission's practice and procedure regulations, 26 S.C. Code Ann. Regs. 103-804(Y)(2)(c), also provide for the protection against disclosure of personal data that would constitute a clear invasion of privacy.

Pursuant to Commission Order No. 2005-226, “Order Requiring Designation of Confidential Materials”, issued May 6, 2005, Duke Energy delineates in its Motion the material for which the Company seeks confidential treatment and files such information in a separate package clearly marked “confidential.” Additionally, pursuant to Order No. 2005-226, the Company files a redacted non-confidential version of the material.

Because the Commission has found that the information for which Duke Energy seeks protection is confidential, private, and personal in nature, and that disclosure of such information would constitute an invasion of personal privacy, the motion for confidential treatment is granted.

With regard to the motions to dismiss filed by both Respondents in this docket, the Commission instructs Petitioner James Tarmann to file his response to the motions no later than ten (10) days after the date of receipt of this Order. If the Petitioner chooses not to respond to the motions to dismiss, the Commission will consider the motions based on the materials filed and determine appropriate relief accordingly.

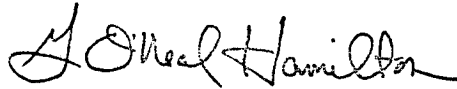
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Exhibit A of the filing by Duke Energy Carolinas, LLC in this docket shall be declared confidential and shall be afforded confidential treatment.

2. Petitioner James Tarmann shall file his response to the Respondents’ motions to dismiss within ten (10) days after the date of receipt of this Order.

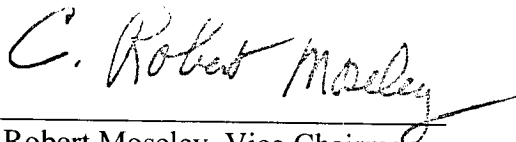
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)